

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 09-69365

CARLTON P. JUNE and
HEATHER A. JUNE,

Chapter 13

Debtors.
_____ /

Judge Thomas J. Tucker

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on "Debtors' Motion to Reinstate Case," filed on December 14, 2009 (Docket # 32, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the December 10, 2009 Order dismissing this case (Docket # 30), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. Debtors' motion fails to demonstrate excusable neglect under Fed.R.Civ.P. 60(b)(1) in the Debtors' failure to appear at the confirmation hearing on December 10, 2009, either in person or through their attorney. Any neglect or mistake by Debtors' counsel, such as that apparently alleged in the Motion, is generally attributable to the Debtors, for purposes of determining whether any such neglect or

mistake was excusable. *See, e.g., Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 396-97 (1993)(in determining whether “excusable neglect” is shown, “the proper focus is upon whether the neglect of [the movants] *and their counsel* was excusable” (italics in original)).

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on December 16, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge